

The Public Agenda Session of the Board of Public Works was convened at 10:38 a.m. on Thursday, March 23, 2006, by Board President, Gary A. Gilot, with Mr. Carl P. Littrell present. Mr. Donald E. Inks was not present. Also present was board Attorney Thomas Bodnar. Board of Public Works Clerk Angela Jacob presented the Board with a proposed agenda of items presented by the public and by City Staff.

Board members discussed the following item(s) from that list.

- Agreement – Cost of Service Study for Water Works – Crowe Chizek
Mr. John Stancati, Water Works, stated this study will show the effects of service outside the City limits.
- Agreement – Professional Services – Arbitrage Calculations and Review – Crowe Chizek
Ms. Catherine Fanello, Controller stated the services will provide assistance in maintaining bond proceeds.
- Agreement – Professional Services – Ratification of Project Assignments – Crowe Chizek
Ms. Catherine Fanello, Controller, stated this is an umbrella contract for approval of project assignments which have different scopes of service, and will require the authorization for the assignment.
- Advertise for Bids – Salt for Water Works
Ms. Marilyn Taylor, Purchasing, stated there were no bids received for this portion of the Water Works Chemicals bid letting. As the total purchase price is expected to be under \$75,000.00, Water Works will solicit for quotations, and recommend an award to the Board.
- Advertise for Bids – Janitorial Supplies
Mr. Marilyn Taylor, Purchasing, estimated the City-wide bid for janitorial supplies to be close to \$100,000.00. The Board will bid these items. Ms. Taylor will review the requirements for janitorial supplies and forward them to the Board for bid letting.
- TRANSPO Agreement for Bridge Enhancement Project Agreement – Bridge Enhancement Project - TRANSPO
Mr. Shawn Peterson, Assistant City Attorney, stated the Agreement is close to being finalized by TRANSPO, and he may have the final Agreement available for Monday's Board meeting.
- Encroachment Easements – Billboard Signage on Ireland and South Michigan – Burkhart Advertising
Mr. Shawn Peterson, Assistant City Attorney, stated the easement provides for the billboard signs to retain their current position on the above referenced properties and right of way takings that are in negotiation.
- Resolution No. 14-2006 – Transfer of Property from Rhodes Investment Corporation
Ms. Cheryl Greene, Assistant City Attorney, stated the property at 531 South Chapin will be transferred as a donation from Rhodes Investment Corporation to the City of South Bend for a community center project. The Board indicated there is a building on the property which may have environmental issues, and needs to be checked.
- Resolution No. 15-2006 – Transfer of Properties to South Bend Heritage Foundation
Ms. Cheryl Greene, Assistant City Attorney, stated this is the transfer of the Natatorium to the South Bend Heritage Foundation to be utilized as a Civil Rights center by IUSB. If the use of the property is not utilized for public use, it will be returned to the City.

ACCEPT LIMITED AGENCY AUTHORITY FOR UTILITY IMPROVEMENTS FOR BLACKTHORN OFFICE PARK LOT 3A PROJECT

Upon a motion made by Mr. Littrell, seconded by Mr. Gilot and carried, the Board accepted a limited agency authority for utility improvements for the above referenced project.

APPROVAL OF PROCESSION

The following street closure was approved:

The following procession was approved by the Board:

SPONSOR	PROCESSION	ROUTE	DATE	MOTION/ CARRIED
St. Casimir Parish	Palm Sunday Procession	Ford to Walnut to Dunham	April 9, 2006 – 2:00 p.m. – 3:15 p.m.	Gilot/Littrell

APPROVE CLAIMS

Mr. Gilot stated that the following claim was submitted to the board for approval:

Name	Amount of Claim	Date
Rieth Riley Construction (Ireland Road Construction)	\$90,565.53	March 22, 2006

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the claim was approved.

The Clerk was instructed to post the agenda and notify the media and other Persons who have requested notice of the meeting agenda. No other business came before the Board. The meeting adjourned at 11:25 a.m.

SOUTH BEND BOARD OF PUBLIC
WORKS
s/Gary Gilot
s/Carl Littrell

ATTEST:
s/Angela K. Jacob, Clerk

REGULAR MEETING

MARCH 27, 2006

The regular meeting of the Board of Public Works was convened at 9:38 a.m. on Monday, March 27, 2006, by Board President Gary A. Gilot, with Carl P. Littrell present. Mr. Donald E. Inks was not present. Also present was Board Attorney Thomas Bodnar.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Littrell, seconded by Mr. Gilot, and carried, the minutes of the regular meeting of the Board held on March 9 and March 13, 2006, were approved.

PUBLIC HEARING – LICENSE APPLICATION FOR MASSAGE ESTABLISHMENT
– VEDA SALON AND DAY SPA – 2041 IRELAND ROAD

Mr. Gilot advised that this was the date set for the Board’s Public Hearing concerning a License Application for a Massage Establishment at 2041 Ireland Road, as submitted by Ms. Elizabeth Franklin, 21850 Belkay Drive, South Bend, Indiana. It was noted that favorable recommendations were received from the Fire Department, Police Department, Building Department and the Legal Department.

Ms. Elizabeth Franklin was present and recommended approval of the License Application. Ms. Franklin indicated she is the new owner of the establishment, and the business has been in this location for twenty years. There being no one else present wishing to address the Board concerning this matter, the Public Hearing was closed.

Therefore, upon a motion made by Mr. Littrell, seconded by Mr. Gilot and carried, the License Application was approved.

OPENING OF BIDS – SANITARY AND WATER MAN RECLOCATION – LOT 3A –
BLACKTHORN CORPORATE OFFICE PARK – PROJECT NO. 103-029
(BLACKTHORN TIF)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

RIETH-RILEY CONSTRUCTION CO., INC.

2500 State Road 23
Post Office Box 1775
South Bend, Indiana 46637

Bid was signed by: Mr. Todd Kulczar
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

Base Bid:	\$140,465.00
Alternate 1 – HMA Intermediate #8	\$2,950.00
Alternate 2 – HMA Surface # 11	\$2,500.00

HRP CONSTRUCTION, INC.

5777 Cleveland Road
Post Office Box 266
South Bend, Indiana 46624-0266

Bid was signed by: Mr. Paul Fallon
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

Base Bid:	\$181,155.00
Alternate 1 – HMA Intermediate #8	\$5,500.00
Alternate 2 – HMA Surface # 11	\$4,400.00

C&E EXCAVATING, INC.

53767 County Road 9
Elkhart, Indiana 46514

Bid was signed by: Mr. Ed Bessinger
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed

Five percent (5%) Bid Bond was submitted

BID:

Base Bid:	\$127,982.00
Alternate 1 – HMA Intermediate #8	\$6,300.00
Alternate 2 – HMA Surface # 11	\$5,200.00

HERMAN & GOETZ DBA UNDERGROUND SERVICES

2915 Home Street
Mishawaka, Indiana 46545

Bid was signed by: Mr. Jeff Wells
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was not provided with the bid, however it was delivered after the meeting
Five percent (5%) Bid Bond was submitted

BID:

Base Bid:	\$106,632.00
Alternate 1 – HMA Intermediate #8	\$8,215.00
Alternate 2 – HMA Surface # 11	\$4,110.00

THOMAS EXCAVATING & WELDING, INC.

9750 West 16th Road
Argos, Indiana 46501

Bid was signed by: Ms. Dawn Dickey
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

Base Bid:	\$169,658.50
Alternate 1 – HMA Intermediate #8	\$5,880.00
Alternate 2 – HMA Surface # 11	\$8,880.00

Upon a motion made by Mr. Littrell, seconded by Mr. Gilot, and carried, the above bids were referred to the Division of Engineering and Community & Economic Development for review and recommendation.

OPENING OF BIDS/AWARD BID – ROADWAY AND SEWER RECONSTRUCTION – LAFAYETTE BOULEVARD AND BARTLETT STREET – PROJECT NO. 105-015 (SEWER/TIF)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

HRP CONSTRUCTION, INC.

5777 Cleveland Road
Post Office Box 266
South Bend, Indiana 46624-0266

Bid was signed by: Mr. Paul Fallon
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID: \$2,653,800.91

RIETH-RILEY CONSTRUCTION COMPANY, INC.

Post Office Box 1775
25200 State Road 23
South Bend, Indiana 46634

Bid was signed by: Mr. Eugene Yarkie
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID: \$2,971,378.50

WALSH & KELLY, INC.

24358 State Road 23
South Bend, Indiana 46614

Bid was signed by: Mr. Kevin Kelly
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID: \$2,765,850.21

SELGE CONSTRUCTION COMPANY, INC.

2833 South 11th Street
Niles, Michigan 49120

Bid was signed by: Mr. James Boyles
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID: \$3,485,699.76

Upon a motion made by Mr. Littrell, seconded by Mr. Gilot and carried, the above bids were referred to the Division of Engineering for review and recommendation.

After reviewing those bids, Mr. Jason Durr recommends that the Board award the contract to the lowest, responsive and responsible bidder, HRP Construction, Inc., 5777 Cleveland Road, South Bend, Indiana, in the amount of \$2,653,800.91. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bid be awarded as outlined above, subject to financing. Mr. Littrell seconded the motion, which carried.

OPENING OF BIDS (2006 CAPITAL BUDGET)

- SIX (6) MORE OR LESS, 2005 COMPACT FOUR DOOR SEDAN AUTOMOBILES**
- FOUR (4) MORE OR LESS, PRE-OWNED 2005 MID-SIZE FOUR DOOR SEDAN AUTOMOBILES**
- ONE (1) MORE OR LESS, 2006 FOUR DOOR 4X4 UTILITY VEHICLE**
- ONE (1) MORE OR LESS, NEW HEAVY DUTY 16,500 LB. GVWR 2006 CHASSIS**
- ONE (1) MORE OR LESS, 2006 FULL SIZE ONE TON EXTENDED CARGO VAN**
- THREE (3) MORE OR LESS, 2006 ALL WHEEL DRIVE CARGO VANS**
- TWO (2) MORE OR LESS, 2006 ¾ TON TWO WHEEL DRIVE PICK UP TRUCKS**
- ONE (1) MORE OR LESS, ONE TON TWO WHEEL DRIVE PICK UP TRUCK**
- TWO (2) MORE OR LESS, 2006 ¾ TON FOUR WHEEL DRIVE PICK UP TRUCKS**
- ONE (1) MORE OR LESS, 2006 OR NEWER ¾ TON EXTENDED CAB TWO WHEEL DRIVE PICK UP TRUCK**

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

JORDAN FORD

609 East Jefferson Boulevard

Mishawaka, Indiana 46545

Bid was signed by: Mr. Geoffrey Kelleher
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Ten percent (10%) Bid Bond was submitted – See Comments for Unresponsive Bids

BID:

Bid	Year	Make	Model	Unit Price	Total Cost
One (1) More Or Less, 2006 Four Door 4x4 Utility Vehicle	2006	Ford	Explorer	\$20,362.00	\$20,362.00
One (1) More Or Less, New Heavy Duty 16,500 Lb. GVWR 2006 Chassis	2007	Ford	F450	\$28,951.00	\$28,951.00
The above bid was considered unresponsive.					
One (1) More Or Less, 2006 Full Size One Ton Extended Cargo Van	2006	Ford	E350	\$22,943.00	\$22,943.00
OPTION 1	Sliding Door and Rear Panel Doors with Glass Hinged for Opening			INCLUDED	
The above bid was considered unresponsive.					
Two (2) More Or Less, 2006 ¾ Ton Two Wheel Drive Pick Up Trucks	2007	Ford	F250	\$17,586.00	\$35,172.00
The above bid was considered unresponsive.					
One (1) More Or Less, One Ton Two Wheel Drive Pick Up Truck	2007	Ford	F350	\$18,414.00	\$18,314.00
OPTION 2	Spray In Bed Liner			\$350.00	\$350.00
The above bid was considered unresponsive.					
Two (2) More Or Less, 2006 ¾ Ton Four Wheel Drive Pick Up Trucks	2007	Ford	F250	\$19,998.00	\$39,996.00
OPTION 2	Front Mounted Western 7 2= Pro Snow or Equal Power Angling Left and Right			\$3485.00	\$3485.00
OPTION 3	Sprayed In Bed Liner			\$350.00	\$350.00
The above bid was considered unresponsive.					
One (1) More Or Less, 2006 Or Newer ¾ Ton Extended Cab Two Wheel Drive Pick Up Truck	2007	Ford	F250	\$19,646.00	\$19,646.00
Option 2	Sprayed In Bed Liner			\$350.00	\$350.00
The above bid was considered unresponsive.					

GATES CHEVY WORLD
401 South Lafayette Boulevard
South Bend, Indiana 46634

Bid was signed by: Mr. Dave Holland
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Ten percent (10%) Bid Bond was submitted

BID:

Bid	Year	Make	Model	Unit Price	Total Cost
Six (6) More Or Less, 2005 Compact Four Door Sedan Automobiles	2005	Chevrolet	Cobalt 4-Door	\$11,500.00	Each
Four (4) More Or Less, Pre-Owned 2005 Mid-Size Four Door Sedan Automobiles	2005	Chevrolet	Malibu 4-Door	\$9,500.00	Each
One (1) More Or Less, 2006 Four Door 4x4 Utility Vehicle	2006	Chevrolet	Trailblazer	\$21,670.00	Each
One (1) More Or Less, New Heavy Duty 16,500 Lb. Gvwr 2006 Chassis	2007	Chevrolet	C4500	\$36,900.00	Each
One (1) More Or Less, 2006 Full Size One Ton Extended Cargo Van	2006	Chevrolet	1-Ton Ext. Cargo Van	\$23,610.00	Each
OPTION 1	Sliding Door and Rear Panel Doors with Glass Hinged for Opening			\$130.00	Each
Three (3) More Or Less, 2006 All Wheel Drive Cargo Vans	2006	Chevrolet	½ Ton AWD Van	\$20,295.00	Each
OPTION 2	Sliding Door and Rear Panel Doors with Glass			\$106.00	Each
Two (2) More Or Less, 2006 ¾ Ton Two Wheel Drive Pick Up Trucks	2006	Chevrolet	¾ Ton 2-WD Silverado	\$16,630.00	Each
One (1) More Or Less, One Ton Two Wheel Drive Pick Up Truck	2006	Chevrolet	1-Ton 2-WD Pick Up	\$16,960.00	Each
OPTION 2	Spray In Bed Liner			\$325.00	Each
Two (2) More Or Less, 2006 ¾ Ton Four Wheel Drive Pick Up Trucks	2006	Chevrolet	¾ Ton 4-WD	\$19,080.00	Each
OPTION 2	Front Mounted Western 7 2= Pro Snow or Equal Power Angling Left and Right			\$38,600.00	Each
OPTION 3	Sprayed In Bed Liner			\$325.00	Each
One (1) More Or Less, 2006 Or Newer ¾ Ton Extended Cab Two Wheel Drive Pick Up Truck	2006		¾ Ton Extended Cab Silverado	\$19,025.00	Each
Option 2	Sprayed In Bed Liner			\$325.00	Each

GREAT LAKES INTERNATIONAL TRUCKS

4849 Western Avenue
South Bend, Indiana 46619

Bid was signed by: Mr. Ken Waite
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Ten percent (10%) Bid Bond was submitted

BID:

Bid	Year	Make	Model	Unit Price	Total Cost
One (1) More Or Less, New Heavy Duty 16,500 Lb. Gvwr 2006 Chassis	2007	International	4100	\$37,951.48	\$37,951.48

MICHIANA TRUCK CENTER

3610 Deahl Court
South Bend, Indiana 46628

Bid was signed by: Mr. Greg Feters
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Ten percent (10%) Bid Bond was submitted

BID:

One (1) More Or Less, New Heavy Duty 16,500 Lb. Gvwr 2006 Chassis	2006	GMC	C-4500	\$32,430.00	\$32,430.00
			Option Per Dealer	\$33,150.00	\$33,150.00

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the above bids were referred to Central Services for review and recommendation.

AWARD BID – GOOD NEIGHBORS/GOOD NEIGHBORHOODS PUBLIC WORKS PROGRAM (2006) – PROJECT NO. 106-017 (GENERAL FUND)

Mr. Toy Villa, Engineering, advised the board that on March 13, 2006, bids were received and opened for the above referred to project. After reviewing those bids, Mr. Villa recommends that the Board award the contract to the lowest responsive and responsible bidder, Northern Construction Services, Inc., 2580 East Detroit Road, Niles, Michigan, as follows:

Zone 1 - \$267,705.00 (Unit Price Bid)

Zone 2 - \$243,265.00 (Unit Price Bid)

It was noted that this is a Unit Price Bid. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

AWARD BID – DONALD/FOX STORM SEWER EXTENSION – PROJECT NO. 105-010 (SEWER BOND)

Mr. Jason Durr, Engineering, advised the Board that on March 13, 2006, bids were received and opened for the above referred to project. After reviewing those bids, Mr. Durr recommends that the Board award the contract to the lowest responsive and responsible bidder, Rieth Riley Construction, 25200 State Road 23, South Bend, Indiana in the amount of \$193,020.80. Therefore, Mr. Littrell made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Gilot seconded the motion, which carried.

TABLE - REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – SALT – WATER WORKS (CHEMICAL FUNDING)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the above Request to Advertise was tabled.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – 2006 STREET LIGHT UPGRADE – MONROE FROM TWYCKENHAM TO SUNNYSIDE AND SUNNYSIDE FROM MONROE TO SOUTH STREET/TITLE SHEET – PROJECT NO. 106-012 (GENERAL FUND OR COIT)

In a memorandum to the Board, Ms. Thia Vawter, Engineering, requested permission to advertise for the receipt of bids for the above referred to project. Mr. Littrell stated the Title Sheet would be completed soon, and should be approved. Therefore, upon a motion made by Gilot, seconded by Littrell, the request to advertise and the Title Sheet were approved.

APPROVAL OF REQUEST TO ADVERTISE FOR THE RECEIPT OF BIDS – JANITORIAL SUPPLIES (USER DEPARTMENTS)

In a memorandum to the Board, Ms. Marilyn Taylor, Purchasing, requested permission to advertise for the receipt of bids for the above referred to items. Therefore, upon a motion made by Mr. Gilot, seconded by Mr. Littrell, the above request was approved.

APPROVE CHANGE ORDER – 2005 NEIGHBORHOOD LIGHTING PROGRAM – SUNNYMEDE AND LONGFELLOW – MICHIANA CONTRACTING – PROJECT NO. 105-053

Mr. Gilot advised that Ms. Thia Vawter, Engineering, has submitted Change Order No. 1 on behalf of Michiana Contracting, Post Office Box 929, Plymouth, Indiana, indicating that the Contract amount be increased \$2,425.00 for a new Contract sum including this Change Order in the amount of \$76,115.00. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the Change Order was approved.

APPROVAL OF CONTRACTS/AGREEMENTS/PROPOSALS/ADDENDA

The following Contracts/Agreements/Proposals/Addenda were approved as follows:

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ CARRIED
Construction Contract	Installation of Demising Wall – 117/119 South Michigan	Casteel Construction	\$28,890.00	Gilot/Littrell
Construction Contract	Harris Street Public Works – Western to Railroad Tracks (400-500 Blocks)	McIntyre Jones, Inc.	\$166,513.83	Gilot/Littrell
Professional Services Agreement	Feasibility Study/Design Services – Studebaker Trunk Storm Sewer Project	The Troyer Group	\$20,000.00	Gilot/Littrell
Construction Contract	Compressor Building – Underground storage Tanks Removal	B&B Equipment	\$16,251.15	Littrell/Gilot
Agreement	Cost of Service Study for Water works	Crowe Chizek	Not to Exceed \$30,000.00	Gilot/Littrell
Agreement	Professional Services – Arbitrage Calculations and Review	Crowe Chizek		Gilot/Littrell
Agreement	Professional Services – Ratification of Project Assignments	Crowe Chizek		Gilot/Littrell
Professional Services Agreement	Feasibility Study/Design Services – Studebaker Trunk Storm Sewer Project	DLZ Indiana	\$20,000.00	Gilot/Littrell
Contract	Environmental Remediation and	Hull & Associates	\$40,000.00	Gilot/Littrell

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ CARRIED
	Sitework Plans and Specifications for Fire Station No. 2			
Grant Agreement	Home Rehabilitation Activities	Rebuilding Together, St. Joseph County	\$45,000.00	Gilot/Littrell
Agreement		TRANSP0		TABLED

ADOPT RESOLUTION NO. 13-2006 – DISPOSAL OF CITY OWNED PROPERTY

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 13-2006

WHEREAS, I.C. 36-9-6-1 gives the Board of Public Works of the City of South Bend the right and duty to have custody of, control of, use of, and dispose of in accordance with Indiana statutes, all real and personal property owned by the City of South Bend; and

WHEREAS, the Common Council of the City of South Bend passed as amended on January 9, 1995, Ordinance No. 8570-95 which states that upon retirement with twenty (20) or more years of service:

"Upon retirement with twenty (20) or more years of service to the City of South Bend, Indiana, a sworn member of the South Bend Fire Department shall be entitled to retain as his or her own personal property, the fire helmet used by such Firefighter immediately prior to giving notice of his or her retirement."

and

WHEREAS, **THOMAS M. ARANOWSKI** has retired from the South Bend, Indiana Fire Department after twenty (20) or more years of service, and the Board of Public Safety of the City of South Bend, Indiana has determined that he has retired in good standing; and

WHEREAS, I.C.. 36-1-11-6 permits and established procedure for disposal of personal property which is no longer needed by the City and which is unfit for the purpose for which it was intended; and

WHEREAS, Chief Luther Taylor has advised that the fire helmet previously worn by this Firefighter is of no further use to the Department and of no practical value;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Works of the City of South Bend that the fire helmet worn by this Firefighter is no longer needed by the City and unfit for the purpose for which it was intended and has an estimated fair market value of less than One Thousand (\$1,000.00) Dollars.

BE IT FURTHER RESOLVED that said property be disposed of in accordance with Ordinance 8570-95 and removed from the City inventory.

Adopted this 27th day of March 2006.

BOARD OF PUBLIC WORKS

s/Gary A. Gilot, President

s/Carl P. Littrell, Member

ATTEST:

s/Angela K. Jacob, Clerk

ADOPT RESOLUTION NO. 14-2006 – ACCEPTING THE TRANSFER OF REAL
PROPERTY FROM RHODES INVESTMENT CORPORATION

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 14-2006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS
FOR THE CITY OF SOUTH BEND, INDIANA,
ACCEPTING THE TRANSFER OF REAL PROPERTY FROM
RHODES INVESTMENT CORPORATION

WHEREAS, Rhodes Investment Corporation (“Rhodes”) is the owner of certain real property located within the City of South Bend, which property is commonly known as 531 South Chapin Street, South Bend, Indiana (“Property”) and is more particularly described in Exhibit “A” attached hereto and incorporated herein;

WHEREAS, Rhodes desires to donate and transfer the Property to the City of South Bend on the condition that any and all taxes or other claims against the Property will be satisfied as a result of the conveyance and no claim, present or future will be made against Rhodes subsequent to the transfer, such terms and conditions being more specifically described in Exhibit “B” attached hereto and incorporated herein, and the City of South Bend desires to accept transfer of the Property from Rhodes on the terms and conditions expressed therein; and

WHEREAS, the care, custody and control of City-owned real property is vested in the Board of Public Works pursuant to I.C. 36-9-6-3 and 36-1-11-1, et seq.; and

WHEREAS, the City, acting through its Board of Public Works, believes that the acceptance of the Property in the best interests of the health, safety and the social and economic welfare of the City and its residents and that the transfer complies with federal, state and local laws under the authority of which the Property is being transferred; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana as follows:

1. The transfer of Property situated in St. Joseph County, Indiana, and generally described herein and more particularly described in Exhibit “A” attached hereto is hereby accepted under the terms and conditions expressed in Exhibit “B”.
2. The Clerk of the Board of Public Works shall cause the recording of the Corporate Warranty Deed conveying the Property to the City of South Bend, Indiana upon the receipt of the same.
3. This Resolution shall be in full force and effect upon its adoption by the Board of Public Works of the City of South Bend.

ADOPTED at a meeting of the Board of Public Works of the City of South Bend, Indiana held on March 27, 2006 at 1300 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS
s/Gary Gilot
s/Carl Littrell

ATTEST:
s/Angela K. Jacob, Clerk

RESOLUTION NO. 15-2006 – AUTHORIZING THE TRANSFER OF REAL
PROPERTY TO THE SOUTH BEND HERITAGE FOUNDATION,
INC./AGREEMENT

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works. In addition a Purchase Agreement for the above referenced property was approved.

RESOLUTION NO. 15-2006

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH
BEND, INDIANA, AUTHORIZING THE TRANSFER OF CERTAIN PARCELS OF
REAL PROPERTY
TO SOUTH BEND HERITAGE FOUNDATION, INC.

WHEREAS, the City of South Bend, Indiana (hereinafter the "City"), is the owner of certain real property and improvements situated in the City of South Bend, St. Joseph County, Indiana ("Property), which is more particularly described as follows:

Part of Bank Out Lot Numbered Eighty-Nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-Nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-Nine (89); thence North 144. 54 feet to the place of beginning.

(Commonly known as 1040 West Washington Street; Tax Key #18-3068-2605).

and

Part of Bank Out Lot Numbered Eighty-Nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-Nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-Nine (89); thence North 144. 54 feet to the place of beginning. (Tax Key #18-3068-2605); and

WHEREAS, the City is also the owner of the real property that is located adjacent to the Property and commonly known as 1102 West Washington Street ("Parking Lot"), and more particularly described as follows:

Lot Numbered Nineteen (19) as shown on the recorded Plat of Evans Subdivision of Bank Out Lot 88 to the City of South Bend (Tax Key Number: 18-3070-2721)

and,

East one-half (1/2) of Lot Numbered Twenty (20) as shown on the recorded Plat of Evans Subdivision of Bank Out Lot 88 to the City of South Bend (Tax Key Number: 18-3070-2720); and

WHEREAS, the custody, care and control of City-owned real estate is vested in the Board of Public Works pursuant to I.C. 36-9-6-3 and 36-1-11-1, et seq.; and

WHEREAS, the Property was previously used as a swimming facility known as the "Engman Natatorium"; and

WHEREAS, the City received title to the Property as a gift from Harry A. Engman, Jr. and his wife, Maud B. Engman in August, 1919 under the conditions that the Property be used for a public purpose and retain the Engman name on any building erected on the Property; and

WHEREAS, South Bend Heritage Foundation, Inc. ("SBHF"), an Indiana not-for-profit corporation meeting the requirements of I.C. 36-1-11-1(a)(7), was created for the purpose of planning, directing and coordinating economic and community revitalization within the City of South Bend, and desires to obtain ownership of the Property; and

WHEREAS, SBHF intends to facilitate redevelopment of the Property for use as a civil rights center or another such public purpose under the operation of a public entity such as a state educational institution and to utilize the Parking Lot in conjunction with the redevelopment and use of the Property; and

WHEREAS, pursuant to an Order entered by the St. Joseph County Circuit Court, a copy of which is attached hereto and incorporated herein as Exhibit "A", the proposed use of Property for such purposes is a public purpose that will be beneficial to the community; and

WHEREAS, the City is willing to transfer the Property and the Parking Lot to SBHF for the aforementioned purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend, Indiana, as follows:

- (1) The City shall transfer to South Bend Heritage Foundation, Inc., the real property and improvements more particularly described as follows:

Part of Bank Out Lot Numbered Eighty-Nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-Nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-Nine (89); thence North 144.54 feet to the place of beginning.

(Commonly known as 1040 West Washington Street; Tax Key #18-3068-2605); and

Lot Numbered Nineteen (19) as shown on the recorded Plat of Evans Subdivision of Bank Out Lot 88 to the City of South Bend (Tax Key # 18-3070-2721); and

East one-half (1/2) of Lot Numbered Twenty (20) as shown on the recorded Plat of Evans Subdivision of Bank Out Lot 88 to the City of South Bend (Tax Key #18-3070-2720) (Commonly known as 1102 West Washington Street)

- (2) Such transfer shall to SBHF shall be in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and shall further be subject to certain terms and conditions set forth in a Purchase Agreement, the form of which is attached hereto and incorporated herein as Exhibit "B".
- (3) The transfer of Property and the Parking Lot from City to SBHF shall be accomplished by Quit-Claim Deed, executed by the Mayor of the City of South Bend and attested to by the South Bend City Clerk.

- (3) The deed conveying the City’s interest in the Property to SBHF shall include the following restrictions:
- (a) The Property shall be use for a public purpose.
- (b) The name “Engman” shall be used in the title of the building or group of buildings, said name to be placed permanently and continuously over the entrance of such building, the Grantor to have the privilege of placing a bronze tablet memorializing the gift in some conspicuous place on front of entrance of building.
- (4) Such transfer shall be made by the City to SBHF in an “as is” condition with no warranties, indemnities or representations made relative to said Property.

Adopted this 27th day of March 2005.

SOUTH BEND BOARD OF PUBLIC
WORKS
s/Gary Gilot
s/Carl Littrell

ATTEST:
s/Angela K. Jacob, Clerk

APPROVAL OF REQUEST TO ACQUIRE CITY-OWNED PROPERTY – LOTS ON
WALNUT, DUNHAM AND CARLISLE STREETS – HABITAT FOR HUMANITY
- 620 WALNUT
- 616 WALNUT
- 113 CARLISLE
- 109 CARLISLE
- 105 CARLISLE
- 1624 DUNHAM

Mr. Gilot stated favorable recommendations have been received from the Mayor, Division of Engineering, Code Enforcement, Community and Economic Development, Park Department, and the Legal Department, in conjunction with a request from Habitat for Humanity to acquire the City-owned properties as described above. The transfer of these lots will support the City’s efforts to offer residents opportunities to own homes in the City. Upon a motion made by Mr. Littrell, seconded by Mr. Gilot and carried, the request was approved.

APPROVAL OF PROCESSIONS/STREET CLOSURE

The following processions and street closure were approved:

SPONSOR	PROCESSION	ROUTE	DATE/TIME	MOTION/ CARRIED
National Multiple Sclerosis Society Indiana Chapter	Michiana MS Walk	Hall of Fame to Colfax to East Race to Niles Avenue and Return	May 6, 2006 – 7:30 a.m. – 10:30 a.m.	Littrell/Gilot
Memorial Hospital/South Bend Tribune/WSBT	Sunburst	10K, 5K, 5K Fun Walk	June 2, 2006 – 5:45 a.m. – 12:15 p.m.	Littrell/Gilot
Madison Center	Take Back the Night March	Main to Western to Wayne to Michigan to Colfax to Lafayette and Return	April 25, 2006 – 6:30 p.m. – 9:00 p.m.	Littrell/Gilot
Cinco de Mayo	Parade	Meade to Huron to	May 6, 2006 – 9:00 a.m. –	Littrell/Gilot

		Pulaski to Ford and Return	10:45 a.m.	
Morris Performing Arts Center	Friday’s by the Fountain	Close Michigan from Parking Lot to Colfax	June 9, June 23, July 7, July 21, August 4, and August 18, 2006	Littrell/Gilot

APPROVAL OF LICENSE APPLICATIONS

The following License Applications were approved:

LICENSE APPLICATION	BUSINESS	ADDRESS	COMMENTS	MOTION/ CARRIED
Scrap Metal Dealer	Treadstone LLC	445 North Sheridan	Favorable Recommendations	Littrell/Gilot
Massage Establishment	Salon Nouveau, Inc.	1733 North Ironwood	Favorable Recommendations	Littrell/Gilot
Massage Establishment	The Spa at Colfax	224 West Colfax	Favorable Recommendations	Littrell/Gilot

APPROVE TRAFFIC CONTROL DEVICES

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following traffic control device was approved:

INSTALLATION OF: Handicapped Reserved Parking Signs
LOCATION: 739 Dubail
REMARKS: All Criteria Has Been Met

INSTALLATION OF: Handicapped Reserved Parking Signs
LOCATION: 708 North Allen
REMARKS: All Criteria Has Been Met

INSTALLATION OF: Handicapped Reserved Parking Signs
LOCATION: 313 East Irvington
REMARKS: All Criteria Has Been Met

APPROVAL OF ENCROACHMENT EASEMENTS - BILLBOARDS – THE BARCLAY CORPORATION - SOUTH MICHIGAN STREET (PARCEL 23-1025-1444)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the above referenced encroachment easement for billboards was approved. The easement states the billboards may remain in the current location.

APPROVAL OF ENCROACHMENT EASEMENTS - BILLBOARDS – BURKHART ADVERTISING - 202 EAST IRELAND - SOUTH MICHIGAN STREET (PARCEL 23-1025-1444)

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the above referenced encroachment easement for billboards was approved. The easement states the billboards may remain in the current location.

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGMENT OF CITY COMPACT FEES

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Abundant Life Fellowship. The Consent indicates that in consideration for permission to tap into public sanitary water system of the City, to provide sanitary water service to the northwest corner of Brick Road and Portage Road, South Bend, Indiana , (Key #04-1007-0096.01), the Abundant Life Fellowship waives and releases any and all right to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Gilot made a motion that the Consent be approved. Mr. Littrell seconded the motion, which carried.

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGMENT OF CITY COMPACT FEES

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Mr. and Mrs. John Holland. The Consent indicates that in consideration for permission to tap into public sanitary sewer system of the City, to provide sanitary sewer service to the northwest corner of Lucinda and Kern Road, South Bend, Indiana , (Key #01-1065-1983), the Holland's waive and release any and all right to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Gilot made a motion that the Consent be approved. Mr. Littrell seconded the motion, which carried.

APPROVE INDUSTRIAL DISCHARGE PERMIT

In a Memorandum to the Board, Mr. Manuel Bueno, Pretreatment Coordinator, Division of Environmental Services, submitted the following Wastewater Discharge Permit and recommended approval:

Ark Engineering Services, Inc.
For Kwik Mart Facility, 2603 South Michigan Street

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the Industrial Discharge Permit was approved.

APPROVE CONTRACTOR BOND

Mr. Anthony Molnar, Engineer, Division of Engineering, recommended that the following Contractor Bond be approved as follows:

BOND OF CONTRACTOR

Lucio Ortiz

Approved March 8, 2006,
Pursuant to Resolution No.100-2000

Mr. Gilot made a motion that the recommendation be accepted and that the Bond be approved as outlined above. Mr. Littrell seconded the motion, which carried.

APPROVE CLAIMS

Mr. Gilot stated that the following claims were submitted to the board for approval:

Name	Amount of Claim	Date
City of South Bend	\$2,048,710.26	March 20, 2006
City of South Bend	\$1,579,610.77	March 27, 2006
St. Joseph County Housing Consortium	\$2,678.92	March 7, 2006
St. Joseph County Housing Consortium	\$1,442.00	March 7, 2006
St. Joseph County Housing Consortium	\$20,966.83	March 8, 2006
St. Joseph County Housing Consortium	\$9,326.16	March 8, 2006
St. Joseph County Housing Consortium	\$59,589.00	March 6, 2006
St. Joseph County Housing Consortium	\$17,000.00	March 14, 2006

Mr. Gilot made a motion that the claims be approved and the reports as submitted be filed. Mr. Littrell seconded the motion, which carried.

ADJOURNMENT

There being no further business to come before the Board, upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the meeting adjourned at 10:50 a.m.

REGULAR MEETING

MARCH 27, 2006

SOUTH BEND BOARD OF PUBLIC
WORKS

s/Gary Gilot

s/Carl Littrell

ATTEST:

s/Angela K. Jacob, Clerk